

### **Remarks**

This is in response to the Office Action mailed on August 24, 2007. Claims 18, 22, 28, and 32-55 are pending in this application and were rejected. Claims 32, 36, 38-42, 44, 50-54 are currently amended. In light of the amendments and the arguments and comments below, reconsideration and allowance of the present application are respectfully requested.

#### **Rejection Under 35 U.S.C. 112, second paragraph**

Claims 18, 22, 28 and 32-55 were rejected under 35 U.S.C § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Particularly, the Examiner asserted that it was unclear how the steps of Claims 38, 44, and 50 were related to each other, and that it was unclear how the manufacturer related to the activities of maintenance and repair along with the service providers and consumer users of the claimed invention.

Claims 38, 44, and 50 have been amended to recite the planning and managing steps as part of providing maintenance and service for the network-based supply chain environment, and the other steps of the claims have also been amended to clarify the operations of the respective processes. Additionally, the roles of the manufacturer and service providers in the maintenance and service process have been clarified. Applicant submits that the amended claims now clearly exhibit an interrelation between the various steps of providing maintenance and service for a network-based supply chain environment. Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. § 112, second paragraph, be withdrawn.

#### **Rejection Under 35 U.S.C. 103**

Claims 18, 22, 28, 32-38, 40-44, 46-50, and 52-55 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sekizawa (U.S. Patent No. 6,430,711) in view of Peterson et al. (U.S. Patent No. 6,324,522). Claims 39, 45, and 51 were also rejected under 35 U.S.C. 103(a) as being unpatentable over *Sekizawa* in view of *Peterson* et al. and in further view of Haluska (U.S. Patent No. 5,638,519). Applicant respectfully submits that the cited references, each alone or in combination, do not teach or suggest all of the limitations of the amended claims as required by MPEP § 2143.

The Applicant wishes to draw the Examiner's attention to the numerous claimed features of the maintenance and servicing process which are not found in the cited references. First, Applicant submits that *Sekizawa* is not directed towards maintenance and service in a network-based supply chain environment. *Sekizawa* merely discloses the ability to track the operation state of some set of machines, such as printers, in order to monitor the machines for malfunctions, so that maintenance personnel can be sent to fix broken machines. As clear from the disclosure of *Sekizawa*, its ability to monitor for maintenance is not directed towards a supply chain environment, or any functionality of a supply chain. Instead, *Sekizawa* suggests operation only in a closed organization utilizing machines.

Additionally, *Sekizawa* fails to fully teach or suggest the receipt of notices and requests for maintenance and services as claimed. In the presently claimed invention, provider environment users, such as service providers advertising available resources for maintenance, recommend when maintenance should be performed, and consumer environment users specifically request maintenance and service as needed. The presently claimed invention then is able to manage such requests by scheduling actions and facilitating the maintenance and service operations. In contrast, the system which *Sekizawa* discloses is merely a monitoring system requiring a supervisor to watch for when maintenance in its system is necessary. The presently claimed invention recites managing both requests for maintenance from the users and notices from providers, which recommend maintenance and service. *Sekizawa* does not teach or suggest a provider user being able to recommend such maintenance and service, nor the functionality of an e-commerce supply chain manager which can automatically perform these features.

The system described in *Sekizawa* also does not disclose the existence of a supply chain manager to fully manage notices and requests for maintenance and service as in the presently claimed invention, nor does it teach or suggest the ability to manage maintenance and service according to supply and demand. *Sekizawa* is completely silent about the existence of a managed schedule, who is responsible for scheduling, and how such scheduling operates. Moreover, *Sekizawa's* only maintenance concern is monitoring for the existence of problems, not how to efficiently schedule maintenance and service or efficiently match providers with consumers in need of such maintenance and service.

Additionally, Applicant asserts that the Examiner's citation of the *Peterson* reference is insufficient to teach the supply and demand planning and order managing features of the present claimed invention. Although *Peterson* does direct some of its disclosure towards

what it refers to as a "maintenance supply network" and associated inventory management, the Examiner's attention towards "network maintenance" is not equivalent to the features of the present invention. This discussion of network maintenance in *Peterson* concerns the "maintenance and smooth running" of its internal computer network (see Col. 46, line 7), not the management of maintenance and service requests occurring between external consumers and service providers. Additionally, much of the disclosure of a "maintenance supply network" in *Peterson* deals with the supply of parts and inventory used in maintenance, not necessarily the management of service requests and service actions as is claimed in the present invention. Accordingly, Applicant submits that the claimed features of planning supply and demand of manufacturer and service provider offerings, and managing notices and requests for maintenance and service are not taught or suggested by *Peterson*.

Based upon at least the reasons above, Applicant asserts that claims 38, 44, and 50 are allowable. The combination of *Sekizawa* and *Peterson* fails to teach or suggest the above-described features and limitations, and the Applicant respectfully asserts that a prima facie case of obviousness has not been established. Further, because claims 18, 22, 28, 32-37, 39-43, 45-49, and 51-55 depend either directly or indirectly from allowable independent claims 38, 44, and 50, the Applicant also submits that a prima facie case of obviousness has not been established for these claims. Applicant therefore requests that the rejection of claims 18, 22, 28, 32-39, 40-55 under § 103(a) be withdrawn.

### **Conclusion**

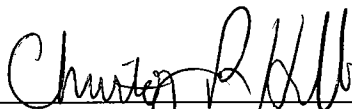
Applicant submits that for at least the reasons stated above, all pending claims are allowable over the art of record and respectfully requests reconsideration and that a Notice of Allowance be issued in this case. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (612) 607-7237. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees including fees for any extension of time, to Deposit Account No. 50-1901 (Docket 60021-336701).

Serial #: 09/444,889

In reply to Office action mailed August 24, 2007

Page 12 of 12

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Christopher R. Hilberg", written over a horizontal line.

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